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PTO/SB/21 (08-03) Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Paperwork Reduction Act of 1995. no persons are required to respond to a collection of information unless it displays a valid OMB control number. **Application Number** 10/005,065 TRANSMITTAL Filing Date 12/4/2001 **FORM** First Named Inventor Krasulick Art Unit (to be used for all correspondence after initial filing) 2828 **Examiner Name** Quyen Phan Leung (Not Including Cited Reference(s))
Total Number of Pages in This Submission Attorney Docket Number OPT-003 **ENCLOSURES** (Check all that apply) After Allowance communication Fee Transmittal Form Drawing(s) to Group Appeal Communication to Board Licensing-related Papers Fee Attached of Appeals and Interferences Appeal Communication to Group Petition (Appeal Notice, Brief, Reply Brief) Amendment/Reply Petition to Convert to a Proprietary Information After Final Provisional Application Power of Attorney, Revocation Status Letter Affidavits/declaration(s) Change of Correspondence Address Other Enclosure(s) (please Terminal Disclaimer Extension of Time Request Identify below): PTO Form 1449 (1 pg.); References Cited A3 and B2-B3; and Return Receipt Request for Refund **Express Abandonment Request** Postcard. CD, Number of CD(s) Information Disclosure Statement Remarks Certified Copy of Priority Document(s) Response to Missing Parts/ Incomplete Application Response to Missing Parts under 37 CFR 1.52 or 1.53 SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT Firm Kurt Rauschenbach Individual name Signature Date 2004 CERTIFICATE OF TRANSMISSION/MAILING I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below. Typed or printed name Kurt Rauschenbach Date Signature June 28, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S):

KRASULICK, ET AL.

SERIAL NO.:

10/005,065

GROUP NO.:

2828

FILING DATE:

December 4, 2001

EXAMINER:

Quyen Phan Leung

TITLE:

ELECTRO-ABSORPTION MODULATED LASER WITH HIGH

OPERATING TEMPERATURE TOLERANCE

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents P.O. BOX 1450 Alexandria, VA 22313-1450

Sir:

In accordance with the provisions of 37 C.F.R. §1.97, Applicants hereby make of record the references listed on the accompanying Form PTO-1449 for consideration by the Examiner in connection with the examination of the above-identified patent application. Copies of the references are enclosed.

REMARKS

	In accordance	ce with the provisions of 37 C.F.R. §1.97, this statement is being filed (CHECK ONE)
	(1)	within three (3) months of the Filing Date or before the mailing date of the First Office Action on the merits; or
\boxtimes	(2)	after the period defined in (1) but before the mailing date of a Final Rejection or Notice of Allowance , and
	\boxtimes	the requisite Statement is below, OR
		the requisite fee under Rule 1.17(p), namely \$180.00, is included herein, or
	(3)	after the mailing date of a Final Rejection or Notice of Allowance but before the payment of the Issue Fee , AND
		Applicant hereby Petitions the Commissioner to accept and consider the attached Information Disclosure Statement, AND
		the requisite Statement is below, AND

Information Disclosure Statement Serial No.: 10/005,065

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the requisite petition fee due under Rule 1.17(i)(I), namely \$130.00 is included herein.

It is respectfully requested that each of the references shown on the attached Form PTO-1449 be made of record in this application.

STATEMENT

As required under §1.97(e), Applicants, through the undersigned, hereby state either that [check the appropriate space]:

- \boxtimes [E]ach item of information contained in the Information Disclosure Statement 1. was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing date of the Information Disclosure Statement; or
- 2. [N]o item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and to the knowledge of the person signing this Statement after making reasonable inquiry, no item of information contained in the Information Disclosure Statement was known to any individual designated in §1.56(c) more than three months prior to the filing of the Information Disclosure Statement.

-FEE-AUTHORIZATION

Should any fee associated with the submission of this paper not be attached hereto as a check, the Commissioner is authorized to charge the missing fee to our Deposit Account, No. 501211. Any overpayments should be credited to said Deposit Account.

Respectfully submitted,

Date: June 28, 2004 Reg. No. 40,137

Tel. No.: (781) 271-1503

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Kurt Rauschenbach

Atty/Agent for Applicant(s)

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PTO/SB/08a (08-03)

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Substitute for form 1449A/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

 Complete if Known

 Application Number
 10/005,065

 Filing Date
 12/4/2001

 First Named Inventor
 KRASULICK

 Art Unit
 2828

 Examiner Name
 Quyen Phan Leung

 Attorney Docket Number
 OPT-003

(Use as many sheets as necessary)
Sheet 1 of

U. S. PATENT DOCUMENTS Cite No.1 Name of Patentee or Pages, Columns, Lines, Where Examiner Publication Date **Document Number** MM-DD-YYYY Initials* Applicant of Cited Document Relevant Passages or Relevant Number-Kind Code^{2 (if known)} Figures Appear US- 2002/0118713 A1 A3 08/29/2002 Shirai, et al. US-US-US-US-US-US-US-US-US-US-US-US-US-US-US-US-US-

	FOREIGN PATENT DOCUMENTS								
Examiner	Cite	Foreign Patent Document	Publication Date	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T _e			
Initials*	No.¹	Country Code ³ Number ⁴ Kind Code ⁵ (if known)	MM-DD-YYYY						
	B2	JP 2003017798 A	01/17/2003	Hitachi Ltd.		V			
	В3	JP 2002261377 A	2/27/2001		***************************************	П			
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	 <u> </u>	
Examiner	Date	`
Signature	Considered	

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. 1 Applicant's unique citation designation number (optional). 2 See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. 3 Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). 4 For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. 5 Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. 6 Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.